CF1002

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IN THE HIGH COURT OF JUDICATURE AT BILASPUR (CG)

WRIT PETITION NO. 3805 OF 2003

BETWEEN

Utpal Das S/o Shri Madhusudan Das, aged about 38 years, President of Jal Jeevan Matsyaudyog Sahakari Samiti, P.V. No.55, Pankhajoor, District Kanker (CG).

PETITIONER

A N D

The State of Chhattisgarh,
Through the Secretary Department of Co-operative Societies, Mantralay, D.K.S.Building, Raipur (CG).

2. The Registrar,
Co-operative Societies, Chhattisgarh,
Raipur , Tehsil and District Raipur (CG).

3. The Deputy Registrar,
Co-operative Societies, North Bastar, Kanker,
District Kanker (CG).

4. Shri Virendra Kumar Tiwari,
Fishery Officer, Pankhajoor/
Administrator Jal Jeevan Matsyaudyog Sahakari Samiti,
Pankhajur, District Kanker.

5. Vimal Samaddar S/o Shri Nirmal Samaddar,
occupation Fisherman, Matsya Sahakari Samiti
Maryadit, PV No.55 Pankhajur District Kanker (CG).

RESPONDENTS

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA

P.R No. B 6041/03
Presented by Shri Mitrendra Gangrade
dated 17.11.03

शपथ आयुक्त
एस.के. शुक्ला
बिलासपुर (म.प्र.)
12/11/03

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17/11/03
for A.G. Bilaspur

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

37

आदेश पत्रक

मामला क्रमांक WP 3805/03 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

13.02.2004

Petitioner by Smt. Renu Kocher, Advocate.

Shri Ranbir Singh, Govt. Advocate takes notice on behalf of Respondents No. 1, 2 and 3.

The petitioner has preferred this petition under Article 226/227 of the Constitution of India being aggrieved by the order dated 29.10.2003 passed by the Respondent No.2 Joint Registrar whereby the application of the petitioner for grant of stay of the impugned order dated 1.10.2003 passed by the Respondent No.3 has been rejected on the ground that the exparte stay cannot be granted. The petitioner preferred any appeal before the Respondent No.2 against the order dt. 1.10.2003 and that appeal is still pending.

Learned counsel for the petitioner argued that if learned Joint Registrar was of the opinion that ex-parte stay cannot be granted then he should have issued notice on the stay application instead of rejecting the same.

Having heard learned counsel for the parties and having regard to the facts and circumstances of the case the Respondent

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

38

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित —2—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

No.2 Joint Registrar is directed to decide the appeal itself as early as possible preferably within a period of two months from the date of receipt of copy of this order, and in the meantime he may pass orders on the stay application after hearing both the parties in accordance with law. However, the petitioner should not be forced to handover the charge till the order of the stay application is passed by the Joint Registrar.

With the above observations this petition is disposed of finally.

Parties are entitled for certified copy of this order.

Sd/-
L.C.BHADOO
Judge

[पीछे देखिये